

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

<p>DeANDRE D. HARRIS,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>CALVIN JOHNSON, <i>et al.</i>,</p> <p style="text-align: center;">Respondents.</p>	<p>Case No. 2:22-cv-00661-ART-NJK</p> <p style="text-align: center;">ORDER</p>
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This action is a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, by DeAndre D. Harris, who is incarcerated at Nevada’s High Desert State Prison. Harris submitted his habeas petition for filing on April 21, 2022. (ECF No. 1-1.) He paid the filing fee on June 24, 2022. (ECF No. 6.) On July 15, 2022, the Court granted Harris time to file a motion for appointment of counsel if he wished to do so. (ECF No. 7.) Harris then filed a motion for appointment of counsel on July 22, 2022. (ECF No. 8.)

A prisoner not sentenced to death petitioning for a writ of habeas corpus in federal court is not entitled to appointed counsel unless the circumstances indicate that appointed counsel is necessary to prevent a due process violation. *Chaney v. Gonzales*, 801 F.2d 1191, 1196 (9th Cir. 1986) (citing *Kreiling v. Field*, 431 F.2d 638, 640 (9th Cir. 1970) (per curiam)). The court may, however, appoint counsel if the interests of justice so require. See 18 U.S.C. § 3006A; see also Rule 8(c), Rules Governing § 2254 Cases; *Chaney*, 801 F.2d at 1196. The Court finds that appointment of counsel for Harris is in the interests of justice and will grant Harris’s motion for appointment of counsel.

The Court has examined Harris’s habeas petition, pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts and determines that it merits service upon the respondents. The Court will order the

1 petition served upon the respondents, and will direct the respondents to appear,
2 but will not require any further action on the part of the respondents at this time.

3 It is therefore ordered that the Clerk of the Court shall separately file the
4 Petition for Writ of Habeas Corpus (ECF No. 1-1).

5 It is further ordered that Petitioner's Motion for Appointment of Counsel
6 (ECF No. 8) is granted. The Federal Public Defender for the District of Nevada
7 (FPD) is appointed to represent the petitioner. If the FPD is unable to represent
8 the petitioner, because of a conflict of interest or for any other reason, alternate
9 counsel will be appointed. In either case, counsel will represent the petitioner in
10 all federal court proceedings relating to this matter, unless allowed to withdraw.

11 It is further ordered that the Clerk of the Court is directed to electronically
12 serve upon the FPD a copy of this order, together with a copy of the Petition for
13 Writ of Habeas Corpus (ECF No. 1-1).

14 It is further ordered that the FPD will have 30 days from the date of this
15 order to file a notice of appearance or to indicate to the Court its inability to
16 represent the petitioner in this case.

17 It is further ordered that the Clerk of the Court is directed to add Aaron
18 Ford, Attorney General of the State of Nevada, as counsel for Respondents and to
19 provide Respondents an electronic copy of all items previously filed in this case
20 by regenerating the Notice of Electronic Filing to the office of the Attorney General
21 only.

22 It is further ordered that the respondents will have 30 days from the date
23 of this order to appear in this action. Respondents will not be required to respond
24 to the habeas petition at this time.

25 DATED THIS 25th day of July, 2022.

26 

27 ANNE R. TRAUM
28 UNITED STATES DISTRICT JUDGE